

**Special Courts Committee  
Judicial Conference of Indiana**

February 11, 2005  
Minutes

1. Members present. The following members of the committee were present: Patrick D. Blankenship, George B. Hoffman, Joel D. Roberts, Richard L. Tandy, and Peggy L. Quint Lohorn, Chair.
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Approval of Minutes. The Committee approved the minutes from the November 5, 2004 meeting.
4. Traffic, Misdemeanor, Small Claims Benchbook. The Committee reviewed all the drafts submitted to the Committee for this meeting. The first section was the Plenary docket (§5.00) and the only change was to the title of subsection (c) to add “for county courts”.

The second section was operating while intoxicated (§3.00). The Committee made the following changes to the draft:

- (1) Michelle was asked to check the flag note on page 1 for the Schmerber case;
- (2) Michelle was asked to expand on the minimum thirty days regarding probationary license;
- (3) on the dialogue for Judicial Review, page 2, add 3.03(d);
- (4) on 3.03(a) the first order the Committee decided to strike the first paragraph through H.I. and alter the first sentence of the second paragraph to read “Comes now the court and having heard evidence . . .”;
- (5) delete 3.03(b);
- (6) on 3.03(d) eliminate the last phrase of the first paragraph through H.I.; and
- (7) the Committee decided to only include those instructions and verdict forms that are not already in the pattern instructions and to research the cases on lay witness testimony on intoxication to determine if this should remain in the manual.

The third section was small claims (§4.00). The Committee made the following changes:

- (1) in § 4.02 on page 13 list the updated code cites only in paragraph number 7;
- (2) in §4.04 (E) on page 26 to strike the last two sentences of the first paragraph;
- (3) in §4.04 (F) on page 27 the Note will be changed to end after school fees and add “But see IC 33-37-3-1.”;
- (4) in § 4.06 (G) on page 2 move 2(a) to the beginning of page 1; and
- (5) in § 4.06 (K) delete number 11 unless authority can be located for this statement.

The Committee then assigned the remaining sections for revisions:

- Section 1.00 Traffic & Infractions – Judge Blankenship
- Section 2.00 Criminal Procedures – Judge Lohorn

- Section 4.05 Collection of Judgment – Michelle was asked to contact Mag. Meek to see if he would willing to make these revisions
- Section 4.08 Small Claims Manual – Judge Roberts
- Small Claims forms – Michelle was asked to check with JTAC to determine what they have created for the CMS to see if those forms can be incorporated in the manual

The draft revisions of the above sections are to be submitted to Michelle on or before June 3, 2005 in order to prepare them for the next Committee meeting.

5. Other business. The Committee was asked how they handle failures to appear on traffic violations. The Committee said that if the person fails to appear they suspend the license for the FTA and will enter a default judgment either based on the prosecutor presenting testimony in court or on sworn statements provided with a motion for default. The person is then given time to pay the judgment before a failure to pay is entered.
6. Next Meeting. The next meeting will be held on Friday, June 17, 2005 at 11 a.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman